

Appl. No. 09/322,201
Amdt. dated June 19, 2003
Reply to Office Communication mailed May 23, 2003

(U.S. Patent No. 5,569,183). According to the Official Action, Kieturakis relates to a cannula, an inflatable balloon that appears to taper gently, a lumen, and a coupling structure.

Independent claim 43 recites an apparatus having "a balloon being inflatable to a shape suitable for the laparoscopic surgical procedure and the anatomical region of the patient's body in which the balloon is to be used, the balloon, when inflated, having a cylindrical non-tapered proximal portion and a tapered distal portion." Kieturakis, especially FIG. 4 relied upon in the Official Action, relates to a balloon having a specified shape. In the specification at Column 5, lines 1-7, it states:

The sheet 123 is formed into a balloon that when inflated is shaped like a "hot dog bun" (a rounded shape mostly but not completely surrounding a cylinder) with a central longitudinal "hot dog" shaped (cylindrical) lumen 124 that is not within inflation chamber 122. In transverse sectional view, the inflation chamber 122 has the appearance of a torus.

This substantially "cylindrical" shape of Kieturakis does not include "a cylindrical proximal portion and a tapered distal portion" as recited in claim 43. Therefore, it is respectfully submitted that claim 43 is patentably distinguishable from Kieturakis. Since claims 44 and 45 depend directly or indirectly from claim 43, it is respectfully submitted that the rejection of these claims have been overcome as well.

The Official Action mailed August 12, 2002 also rejected claims 1-6, 8-11, 20, 21, 23-27, 30, 31, 37 and 38 under 35 U.S.C. § 102(e) as being anticipated by Kieturakis et al. (U.S. Patent No. 5, 836,961). According to the Official Action, Kieturakis et al. relates to an apparatus having a cannula, an inflatable balloon, a lumen for inflation, and a coupling structure.

As discussed hereinabove, independent claim 43 recites an apparatus having "a balloon being inflatable to a shape suitable for the laparoscopic surgical procedure and the anatomical

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region of the patient's body in which the balloon is to be used, the balloon, when inflated, having a cylindrical non-tapered proximal portion and a tapered distal portion." Kieturakis et al. disclose a variety of different shaped balloons including the manta ray shaped balloon of FIG. 40 relied upon by the Official Action (see column 16, lines 66-67). Further review of Kieturakis et al. reveals other balloons including the pear-shaped balloon of FIG. 5 (see column 7, lines 14-16) as well as the similarly pear-shaped configurations illustrated in FIGS. 25 and 37. The manta ray shaped balloon of Kieturakis does not include "a cylindrical proximal portion and a tapered distal portion" as recited in claim 43. Since claims 44 and 45 depend directly or indirectly from claim 43, it is respectfully submitted that the rejection of these claims have been overcome as well.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims pending in the application, namely claims 1-6, 8-39, and 43-45 are in condition for allowance. Should the Examiner desire a telephonic interview to resolve any outstanding matters, he is sincerely invited to contact the undersigned at (631) 501-5700.

Respectfully submitted,



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